

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAREN SIMMONS,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:19 CV 30

LAWRENCE SIMMONS,

Defendant.

/

REPORT AND RECOMMENDATION

On January 14, 2019, Defendant Lawrence Simmons removed to this Court a divorce action presently pending in state court. Unlike state courts, which are courts of general jurisdiction, the federal courts are courts of limited jurisdiction and do not, therefore, possess jurisdiction over matters involving the issuance of a divorce, alimony, or child custody. *See, e.g., Ankenbrandt v. Richards*, 504 U.S. 689, 704 (1992). While this domestic-relations exception to federal jurisdiction is narrowly interpreted, it clearly applies where a party seeks to have a federal court issue a divorce. *See, e.g., Chevalier v. Estate of Barnhart*, 803 F.3d 789, 794-95 (6th Cir. 2015). In the opening paragraph of his removal notice, Defendant states that he is removing to this Court “the civil divorce proceeding” between he and Plaintiff. This conclusion is confirmed by reviewing the remainder of Defendant’s removal notice. The Court, however, has no jurisdiction to hear this matter. Accordingly, pursuant to 28 U.S.C. § 636(b)(1)(B), the undersigned recommends that this action be **dismissed** for lack of subject matter jurisdiction.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order.

See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Respectfully submitted,

Date: January 22, 2019

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge